

# Steering Committee on Arizona Case Processing

**Thursday, September 12, 2013**

10:00 a.m. to 12:00 p.m.

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 230

**APPROVED: 4/24/14**

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**Present:** Justice Robert Brutinel-*Chair*, Mr. Kent Batty, Judge Peter Cahill-*telephonically*, Judge Jill Davis-*telephonically*, Judge Richard Fields-*telephonically*, Judge Pamela Frasher Gates-*telephonically*, Mr. Don Jacobson, Judge Eric L. Jeffery, Judge Kenton Jones-*telephonically*, Ms. Sandra Markham, Judge Steven McMurry, Judge Mark Moran-*telephonically*, Judge Rosa Mroz, Ms. Jane Nicoletti-Jones-*telephonically*, Mr. John W Rogers, Mr. William "Bill" Verdini.

**Absent/Excused:** Mr. James Haas, Ms. Michelle Matiski, Judge John Rea, Judge Antonio "Tony" Riojas, Judge Sally Simmons.

**Presenters/Guests:** Amy Wood, Caseflow Unit Manager, AOC.

**Staff:** Cindy Cook, Kelly Gray.

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## **I. Regular Business**

### **A. Welcome and Opening Remarks**

The September 12, 2013 meeting of the Steering Committee on Arizona Case Processing Standards was called to order by the Chairperson, the Honorable Robert Brutinel at 10:00 a.m.

### **B. Approval of April 25, 2013 Minutes**

The chairperson called for any omissions or corrections to the minutes from the April 25, 2013 meeting; there were none.

- Motion was made by Mr. Kent Batty to approve the draft minutes from the April 25, 2013 meeting of the Steering Committee on Arizona Case Processing Standards.
- Seconded by Judge Steven McMurry. Motion passed unanimously.

## **II. Proposed Arizona Case Processing Standards: Workgroup Updates**

### **A. Probate Workgroup:**

Discussion: Since the last meeting of this group, the probate standards were posted on the website. Approximately 24 individuals viewed the proposed

standards, on the website but there were no additional comments or suggested revisions. In the April 2013 meeting, this committee approved the provisional probate standards, so no action is needed today.

## **B. Juvenile Workgroup**

Discussion: In April 2013 the committee adopted the following preliminary recommendation for the juvenile delinquency and status offense case type:

Youth in detention:

98% within 45 days

Youth not in detention:

98% within 60 days

The preliminary recommendation above was presented to the Committee on Juvenile Courts (COJC) on September 5, 2013 and COJC suggested the following revisions. Based on the rules in Arizona, the measurement should stop at disposition instead of the adjudication of delinquency or incorrigibility. This change to the measurement would increase the numbers of days as follows:

Youth in detention:

98% within 75 days (instead of 45 days)

Youth not in detention:

98% within 135 days (instead of 60 days)

The juvenile workgroup approved the revision to the measurement and the increase in days made by the COJC. The juvenile workgroup is also making a recommendation that Arizona follows the national model and adds the first and second tier to the standard for juvenile delinquency and status offense cases. The additional tiers will help the courts to identify bottlenecks in the judicial system.

The committee recommends the adoption of the following case processing standards for juvenile delinquency and status offense cases:

Youth in detention:

75% within 30 days

90% within 45 days

98% within 75 days (instead of 90 days)

Youth not in detention:

75% within 60 days

90% within 90 days

98% within 135 days (instead of 150 days)

The committee also recommends that the following language be adopted for the measurement: *"Filing of petition through disposition."*

Additionally, COJC made the following suggested revision to the juvenile neglect and abuse case type: In the "National Standard" column of the recommendation, change the wording from "Different standard that is faster than the national model time standards for juvenile neglect and abuse" to "Different standard than

the national model time standards for juvenile neglect and abuse” (removing “that is faster”).

The Committee recommends that the following language be adopted: *“Different standard than the national model time standards for juvenile neglect and abuse”*

- Motion made by Judge Steven McMurry to approve the language change to the juvenile neglect and abuse case type. To approve the above three-tier standard for juvenile delinquency and status offense cases and to revise the measurement to read as follows: *“Filing of petition through disposition.”*
- Seconded by Mr. Don Jacobson. Motion passed unanimously.

Discussion: Other committees and individuals have expressed concerns related to data accuracy and the availability of reports from the systems currently in use. It was also pointed out that from the clerk’s prospective, they do not know if a juvenile is in detention or not; the information is not available in AJACS. In response, the AOC has been working with AJACS courts to develop a report that will hopefully reduce or eliminate this issue.

### **III. New Business:**

#### **A. Update of this Committee’s Presentation to the AJC:**

Discussion: The goal of this committee was to review the National Center for State Courts “Model Time Standards for State Trial Courts” for processing all major case types in limited and general jurisdiction courts and develop and recommend state case processing standards for Arizona.

As the project continued, this group realized the initial plan developed and deadlines identified were not sufficient to reach the stated goal of this committee. Specifically, the achievability of the recommendations is in question at this time due to lack of data and reports currently available.

Therefore it is the suggestion of the chairperson that the FINAL acceptance of these standards be postponed. It is recommended that the Case Processing Standards for Arizona remain provisional until such time that reports are developed and data is verified. He advocates updating the AJC at the next meeting on the progress of this committee, however he would not ask for final adoption of these recommendations until more data and reports are available. This committee will present an interim report to the AJC that outlines the provisional recommendations. During the time the reports are being developed, this group would meet with the AOC to discuss the progress made.

The chairperson opened the floor for comments.

The committee was concerned that the standards will not be implemented in the courts and this work will be lost if the recommendations are provisional and there is no timeframe attached to the provisional nature of the

recommendations. A solid end date for completion of the report development and data gathering period should be established. Further, it was pointed out that the credibility of this committee and authority given to the standards would be in question if the recommendations made by this committee were unrealistic. The idea of an interim report and provisional standards would allow this group to comeback and make changes as the measurement system is developed. The group seemed to agree with these comments.

The committee asked Ms. Amy Wood how much time would be needed to develop business requirements and program the reports in AJACS. Ms. Wood explained that the AOC will have to work with different workgroups and committees to develop business requirements for the different case types. The municipal and justice court case types may take a little longer to develop. These reports will probably be created in the Central Case Index (CCI) instead of AZTEC. The workgroup is scheduled to meet in a couple of weeks to start the development of reports. The superior courts already have some CourTool reports that can be modified to measure the standards for some of the case types. A meeting has been scheduled in September to further discuss what reports can be modified and which case types will need new reports. The juvenile case types will be handled separately from the other superior court case types because court information is also stored in the Juvenile Online Tracking System (JOLTS). Based on the different timeframes for the development of business requirements and reports the committee may want to present a final recommendation to the AJC on individual case types instead of waiting for all the case types to be completed, before presenting final recommendations.

The committee also discussed whether the measurement of standards in the reports should reflect historical data or just measure from this day forward. Some members argued that some historical data should be included to establish a “baseline” for this committee’s directive.

Maricopa County uses the ICIS case management system and when developing the reports, this should be taken into account. Further, Maricopa County has a severe shortage of programmers. It is anticipated that the AOC will develop business requirements for the case management reports and make the requirements available to all the courts, and that the courts will have the ability to program the reports.

There was a suggestion made that there needs to be more information provided to the committee from the AOC during the development stage of the case management reports. The committee members stated that they believe the courts have the ability to create the case management reports needed to measure the standards but there may be issues in moving the project along so that the reports will be created. For example, there have already been significant delays in AGAVE rollouts due to IT priorities, hardware issues, etc.

There was a concern raised about “buy-in” from the legal community. It was pointed out that there has not been a lot of reach-out with regard to this project and if the recommendations are finalized without dialogue from the legal community, there could be some pushback. The adoption of an interim proposal and provisional recommendations will give others outside this group a chance to reflect on the changes.

The chairperson requested that the AOC provide a high level report for the committee that describes the timeframes for the development of business requirements and reports that can be used to measure the case processing standards. This report will be used by the chairperson for his discussion with the Chief Justice on September 16, 2013.

It was suggested that the proposed updates during the development stage be done not only by team leaders/specialist at the AOC, but by team leader/specialist from other case management systems such as AGAVE and ICIS. The business requirements would have to be developed before it would be effective for them to speak to this group. AOC will work to develop the business requirements to forward onto the appropriate teams. AOC will use this committee’s approval of the provisional standards as a basis to develop these business requirements.

The chairperson requested that Ms. Cook/Ms. Wood draft a proposed administrative order for his discussion with the Chief Justice on September 16, 2013.

## **B. Executive Summary and Interim Report:**

- Motion made by Mr. Don Jacobson to include the following recommendation in the conclusion of the interim report and executive summary: The committee recommends that the provisional set of standards be valid for one year. Following the one year the committee will adopt in whole or in part these standards or extend the provisional standards in whole or in part. The committee will be provided updates on the implementation of case management reports, integrity of the data and the status of the Consolidated Case Index (CCI) throughout the year. The schedule for updates to the committee will be determined by the chair.
- Seconded by Judge Steven McMurry. Motion passed unanimously.

Discussion: Since the last meeting of this committee there has been a change to the strategy and project timeline that was originally envisioned for this committee. The committee recommends that this change be reflected in the conclusion of the interim report and executive summary as follows:

“The committee recommends the following steps in the development of case processing standards for Arizona: **First**, the committee is requesting an extension of its term. **Second**, the provisional set of case processing standards, measurements and excluded time included in this report will be used

to develop case management reports. **Third**, the courts will validate that the reports are accurate and enter additional codes or missing data in the case management systems so the reports display the correct information. **Fourth**, the provisional set of standards will be reviewed, along with the actual data from the case management systems, so the committee can determine whether the standards are realistic. **Fifth**, based on this review, the committee will propose realistic and reasonable case processing standards, rather than aspirational standards. **Finally**, the revised case processing standards will be presented to the Arizona Judicial Council for adoption.”

It was pointed out that it may difficult to create reports that include the appropriate exclusionary times this group identified. Is it even possible to develop reports with these time provisions?

In response it was discussed that the proposed reports would be similar to the DUI reports already developed, and the process for developing these reports would be similar. From an AJACS prospective, it's possible to create event codes that would allow all the excluded time to be accurately reflected in the reports generated.

A committee member discussed the role of the various Clerks of the Court offices in the “clean up” of data and the future responsibilities of the courts. It was requested that AOC recognize that the clerks will need additional resources and funds to achieve the desired eventually. The chairperson noted this comment.

It was suggested that the interim report include language about how the report will be generated: judge specific vs. court aggregate. It was recommended that the interim report specifically outline that the reports will be court aggregate.

In response, it was pointed out the current time to disposition reports are by judge in AJACS, and in the future releases AJACS will include reports for the court, and the county. It was discussed that a presiding judge may want to look at an individual judge's performance using the judge specific report, but that type of report should NOT be published and should only be used for internal review.

It was discussed that all these reports are subject to public records reports and the data, whether judge specific or aggregate, will be available at some point to the public. The interim report should be very clear about this point.

In response, it was discussed that the interim report contains information about how the data will be used and other caveats. A committee member emphasized that it would be unfair to evaluate the performance of an individual judge on the basis of these case processing standards because the judge may have not been adjudicating the case at every stage of the process. The interim report includes

language that addresses this concern but if any of the members feel additional language is needed please send your suggestions to Cindy Cook.

- Motion made by Judge Steven McMurtry to give the chairperson the authority to add the paragraphs discussed above in the conclusion of the interim report and executive summary, make non-substantive editorial changes, and to finalize the interim report and executive summary.
- Seconded by Judge Rosa Mroz. Motion passed unanimously.

### **C. Action Plan:**

Discussion: The report development process would be divided into two (2) groups: general jurisdiction courts and limited jurisdiction courts. As the process continues, subgroups may be identified to develop reports for the juvenile or probate case types.

The second step in the process is how to generate reports for non-ACAP courts and ACAP courts.

The third step is to verifying the data on the newly created reports for accuracy, and correct or add any missing data as needed. It will likely be a pilot court program which will help the AOC develop better business processes and identify issues with the reports before final roll-out.

Finally the case processing standards will need to be implemented in all the courts. During the implementation phase, the AOC will likely come to this group with suggested rule changes, best practices for the courts, sample case management plans, scheduling orders and other implementation documents. Additionally, the AOC, and possibly members of this group, will attend judicial conferences, committee meetings, and COJET trainings to promote the new reports and give the judicial community materials for training and implementing business practices that will help the courts improve and meet the case processing standards.

## **IV. Call to Public**

### **A. Good of the Order/Call to the Public**

No one came forward to address the Steering Committee at this time.

## **V. Adjourn**

### **A. Motion: To adjourn at 11:26pm.**

- Motion was seconded and passed unanimously.

### **B. Next Steering Committee Meeting Date:**

To be determined